

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CROWN CLOTHING CORPORATION,  
Plaintiff,

v.

CIVIL ACTION NO. 05-10049 (NG)

RANDCORE, INC., RAND INTERNATIONAL  
TRADING, INC., ANDRE BERNARD, AND  
RONALD BERNARD,  
Defendants.

**AGREEMENT FOR SEPARATE AND FINAL JUDGMENT**

WHEREAS, the plaintiff Crown Clothing Corporation (“Crown Clothing”), having notified counsel for the defendants Andre Bernard, Randcore, Inc. (“Randcore”) and Rand International Trading, Inc. (“Rand”) of its intent to move for sanctions in the form of orders compelling discovery and for entry of default judgment and final judgment against the Defendants Andre Bernard, Randcore and Rand,

WHEREAS, counsel for Crown Clothing and the Defendants Andre Bernard, Randcore and Rand having conferred in an attempt to resolve the issues between Crown Clothing and the Defendants Andre Bernard, Randcore and Rand, and

WHEREAS, counsel for Crown Clothing and the Defendants Andre Bernard, Randcore and Rand have agreed to entries of an order and separate and final judgment as defined below, in lieu of any application for sanctions, motion to compel, or motion for default judgment,

Crown Clothing and the Defendants Andre Bernard, Randcore and Rand hereby stipulate and agree that Order To Appear for Deposition and Produce Documents attached

hereto as Exhibit A be entered as an Order of the Court and that the Separate And Final Judgment attached hereto as Exhibit B be entered as a separate and final judgment of the Court. This agreement and the proposed Separate And Final Judgment shall have no effect whatsoever concerning any claims and/or defenses concerning Defendant Ronald Bernard.

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DATED: January 31, 2006

## **EXHIBIT A**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CROWN CLOTHING CORPORATION,  
Plaintiff,

v.

CIVIL ACTION NO. 05-10049 (NG)

RANDCORE, INC., RAND INTERNATIONAL  
TRADING, INC., ANDRE BERNARD, AND  
RONALD BERNARD,  
Defendants.

**ORDER TO APPEAR FOR DEPOSITION AND TO PRODUCE DOCUMENTS**

Pursuant to the Agreement for Separate And Final Judgment between the plaintiff Crown Clothing Corporation (“Crown Clothing”) and the defendants Andre Bernard, Randcore, Inc. (“Randcore”) and Rand International Trading, Inc. (“Rand”) (collectively herein the “Defendants”) filed herewith (the “Agreement For Judgment”) and the parties agreeing that Judgment in this action should be entered as set forth herein,

IT IS ORDERED AND ADJUDGED,

1. That on an agreed to date not later than February 3, 2006 the Defendants Andre Bernard, Rand and Randcore shall produce to Crown Clothing at the offices of Snitow Kanfer Holtzer & Millus LLP, 575 Lexington Avenue, 14th Floor, New York, New York 10022 the originals or fully legible copies of all documents in their custody and control that have not been previously produced in this action as described in Schedule A attached hereto and incorporated herein; and

2. The defendant Andre Bernard shall appear for his deposition at the offices of Leader & Berkon, 630 Third Avenue, New York, New York 10017 on February 22, 2006 at 10:00 a.m., which deposition shall continue from day to day until completed.

Dated at Boston, in the District of Massachusetts, this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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Hon. Nancy Gertner  
United States District Court

## **SCHEDULE A**

Pursuant to Paragraph 1 of the Agreement for Separate and Final Judgment the Defendants, Andre Bernard, Randcore, Inc. and Rand International Trading, Inc. (collectively the "Defendants") shall produce the following documents in their custody and control that have not been previously produced in this action:

- (1) all documents responsive to Request Nos. 1, 2, 3, 5, 7, 10 of the First Request of the Plaintiff Crown Corporation for Production of Documents (the "Request for Documents") served on the Defendants with the original process in this case on December 7, 2004;
- (2) the tape recording referred to in the Defendants' response to Request No. 11 of the Request for Documents;
- (3) all documents relating to Defendants' purchase and provision linings to Albena Style AD including purchase orders from the Defendants to linings suppliers, invoices from linings vendors or suppliers, shipping records relating to the Defendants' receipt and/or delivery of the linings to Albena Style, documents reflecting payment by the Defendants to its linings vendors or suppliers and specifications for the linings; and
- (4) all the Defendants' financial records from 1997 through the present.

## **EXHIBIT B**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CROWN CLOTHING CORPORATION,  
Plaintiff,

v.

CIVIL ACTION NO. 05-10049 (NG)

RANDCORE, INC., RAND INTERNATIONAL  
TRADING, INC., ANDRE BERNARD, AND  
RONALD BERNARD,  
Defendants.

**SEPARATE AND FINAL JUDGMENT**

Pursuant to the Agreement for Separate And Final Judgment between the plaintiff Crown Clothing Corporation (“Crown Clothing”) and the defendants Andre Bernard, Randcore, Inc. (“Randcore”) and Rand International Trading, Inc. (“Rand”) filed herewith and the parties agreeing that a Separate and Final Judgment in this action should be entered as set forth herein,

IT IS ORDERED AND ADJUDGED,

1. That the plaintiff Crown Clothing, recover from the Defendants Andre Bernard, Randcore and Rand the sum of ONE MILLION ONE HUNDRED SIXTY THREE THOUSAND SEVENTY-FOUR DOLLARS AND SIXTY-TWO CENTS, plus interest in the amount of SEVEN HUNDRED THOUSAND FIVE HUNDRED SIXTY DOLLARS AND SIX CENTS.

2. That Randcore’s Counterclaim against Crown Clothing is dismissed with prejudice, and with all rights to appeal waived.

3. There being no just reason for delay in entering judgment in favor of Crown Clothing against the Defendants Andre Bernard, Randcore and Rand on Crown Clothing's Complaint and Randcore's Counterclaims, final judgment on those claims in favor of Crown Clothing shall be entered pursuant to Rule 54(b).

Dated at Boston, in the District of Massachusetts, this \_\_\_\_ day of \_\_\_\_\_, 2006.

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Hon. Nancy Gertner  
United States District Court